



PUBLIC NOTICE

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DA No. 05-2443
September 13, 2005

ACTIONS TAKEN UNDER CABLE LANDING LICENSE ACT

INTERNATIONAL AUTHORIZATION GRANTED

Section 1.767(a) Cable Landing Licenses, Modifications, and Assignments or Transfers of Control of Interests in Cable Landing Licenses (47 C.F.R. § 1.767(a))

Section 214 Application (47 C.F.R. § 63.18)

By the Chief, Policy Division, International Bureau:

Pursuant to An Act Relating to the Landing and Operation of Submarine Cables in the United States, 47 U.S.C. §§ 34-39 (Cable Landing License Act), Executive Order No. 10530, Exec. Ord. No. 10530 *reprinted as amended in* 3 U.S.C. § 301, and section 1.767 of the Commission's rules, 47 C.F.R. § 1.767, the following application IS GRANTED. This grant of authority is taken under section 0.261 of the Commission's rules, 47 C.F.R. § 0.261, and is effective upon release of this public notice. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 C.F.R. §§ 1.106, 1.115, may be filed within 30 days of the date of this public notice.

THIS PUBLIC NOTICE SERVES AS THE CABLE LANDING LICENSEE'S CABLE LANDING LICENSE, or modification thereto, pursuant to the Cable Landing License Act and sections 1.767 and 1.768 of the Commission's rules. Cable landing licensees should review carefully the terms and conditions of their licenses. Failure to comply with these terms and conditions or relevant Commission rules and policies could result in fines or forfeitures.

THIS PUBLIC NOTICE ALSO SERVES AS THE CARRIER'S SECTION 214 CERTIFICATE. It contains general and specific conditions, which are set forth below. Carriers should carefully review the terms and conditions of their authorizations. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

A current version of sections 1.767 and 1.768 of the rules is available on the FCC web site at: <http://www.fcc.gov/ib/pd/pf/telecomrules.html>. See also *Review of Commission Consideration of Applications under the Cable Landing License Act*, IB Docket No. 00-106, FCC 01-332 (rel. Dec. 14, 2001), 67 Fed. Reg. 1615 (Jan. 14, 2002) available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-01-332A1.pdf.

A current version of Sections 63.09–25 of the rules, and other related sections, is available at <http://www.fcc.gov/ib/pd/pf/telecomrules.html>.

SUBMARINE CABLE LANDING LICENSE
INTERNATIONAL SECTION 214 AUTHORIZATION

Actions Taken: Grant of Cable Landing License to land and operate a fiber-optic submarine cable system, the Global Caribbean Network (“GCN”) cable system, on a non-common carrier basis between Puerto Rico, Guadeloupe, Saint Martin (Fr.), and St. Croix, and on a common carrier basis between Puerto Rico and St. Barthélemy. Application for Cable Landing License – Streamlined Processing Requested, File No. SCL-LIC-20050418-00010 (filed April 18, 2005) (“Application”); Supplement to Application for Cable Landing License – Streamlined Processing Requested, File No. SCL-LIC-20050418-00010 (filed April 29, 2005); Modification to Application for Cable Landing License, File No. SCL-LIC-20050418-00010 (filed June 15, 2005) (“Modification”).

Grant of international section 214 authority to construct and operate a fiber-optic submarine cable system on a common carrier basis between Puerto Rico and St. Barthélemy. Application for International Section 214 Authorization – Streamlined Processing Requested, File No. ITC-214-20050623-00237 (e-file) (filed June 23, 2005) (“International Section 214 Application”).

Acceptability for Filing Public Notices: *Global Caribbean Network, Application for a License to Land and Operate a Fiber-Optic Cable System, for the Global Caribbean Network Cable System, between Puerto Rico, Guadeloupe, Saint Martin (Fr.), and St. Croix, on a Non-Common Carrier Basis*, File No. SCL-LIC-20050418-00010, Public Notice, Streamlined Submarine Cable Landing License Applications Accepted for Filing, DA 05-1285 (Int’l Bur., May 4, 2005);

Global Caribbean Network, Application for Authority to Construct and Operate a Fiber-Optic Cable System, for the Global Caribbean Network Cable System, between the U.S.-St. Barthélemy – on a Common Carrier Basis, File No. ITC-214-20050623-00237, Public Notice, Streamlined International Applications Accepted for Filing, Report No. TEL-00930S (Int’l Bur., July 22, 2005).

Conditions and Requirements: Global Caribbean Network SHALL COMPLY with the routine conditions set out in section 1.767(g)(1)-(14) of the Commission’s rules. See 47 C.F.R. § 1.767(g)(1)-(14).

ADDITIONALLY, application File No. ITC-214-20050623-00237 IS GRANTED, and GCN is authorized, pursuant to Section 214 of the Communications Act of 1934, as amended, to: (1) construct, acquire, and operate capacity in a fiber optic submarine cable system known as the Global Caribbean Network between the United States and St. Barthélemy; (2) acquire by lease or other comparable means such extension facilities as may be required to extend the capacity of the GCN system; and (3) activate capacity in the GCN system and in the aforementioned facilities for the provision of its authorized services.

GCN shall make available half-interests in the GCN system capacity to such present and future U.S. carriers as may be authorized by the Commission to acquire such capacity.

The Commission retains jurisdiction to reallocate U.S. carriers' interests in capacity herein authorized, as the public interest may require and with any requisite concurrence of the foreign administration or carriers concerned, in order to accommodate additional carriers or for other reasons.

The Commission retains jurisdiction over all matters relating to the GCN system's ownership, management, maintenance, and operation of the cable system as authorized herein to ensure the most

efficient use not only of this cable system but of all means of communications between the United States and St. Barthélemy.

Licensee Information: GCN is a newly formed limited partnership headquartered in Guadeloupe and organized under the laws of France. GCN's majority holder, AutoGadeloupe Investissement ("AGI"), a public limited company organized under the laws of France, holds an 85% equity interest in GCN. Semsamar and Mediaserv are the minority owners of GCN, holding a 10% and 5% interest, respectively.

The majority owner of AGI is S.A. L. Loret et Compagnie, also a public limited company organized under the laws of France, which holds a 61.5% equity interest in AGI. The principal remaining owners of AGI are two French citizens who own 21.79% and 12.4% equity interests in AGI, respectively.

Regulatory Status of Cable: Applicant proposes to operate on a non common-carrier basis between Puerto Rico, Guadeloupe, Saint Martin (Fr.), and St. Croix. Application at 6. Applicant proposes to operate on a common-carrier basis between the United States and St. Barthélemy. Modification at 1.

Cable Design and Capacity, Map, Cable Station Information, and Landing Point Notification: The proposed GCN system will have six (6) landing points connecting San Juan, Puerto Rico; Baie-Mahault and Baillif in Guadeloupe; Saint-Martin (Fr.); St. Barthélemy; and Frederiksted, St. Croix. (The specific landing points are set out in the Application at 5-6.) The cable will have a capacity minimum of 30 Gbps using one fiber pair. The proposed system will be comprised of 8 fiber pairs between Guadeloupe and Saint-Martin, 8 fiber pairs between Saint-Martin and St. Barthélemy, 6 fiber pairs between Saint-Martin and Puerto Rico, 2 fiber pairs between Saint Martin and St. Croix, 2 fiber pairs between St. Croix and Puerto Rico. The applicants state that a potential additional segment under consideration would extend the network to St. Kitts, St. Eustatius and Saba. Application at 4.